

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE MIDDLE DISTRICT
OF ALABAMA SOUTHERN DIVISION

WALTER WREN WYATT, III	*	
	*	
Plaintiff,	*	
	*	
VS.	*	CIVIL NO. 1:07-CV-326-MHT-CSC
	*	
MORTGAGE ELECTRONIC	*	
REGISTRATION SYSTEMS, INC.,	*	
R. JAMES NICHOLSON in his capacity	*	
as SECRETARY OF VETERANS AFFAIRS,	*	
etal.,	*	
	*	
Defendants.	*	

APPLICATION FOR ENTRY OF DEFAULT AND DEFAULT
JUDGEMENT
AND SUPPORTING AFFIDAVIT

Comes Now Plaintiff, by Counsel, and requests that the Court enter a default against the Defendants, Joshua Mellor and Natalie Mellor, in the above entitled action, pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure, for failure to plead, answer or otherwise defend as set out in the affidavit hereto annexed.

Plaintiff requests that a Default Judgment be entered against the Defendants.

Plaintiff files herewith all necessary and supporting documentation for entry of default and default judgement against Defendant including the affidavit required by Rule 55(a), Fed.R.Civ.P.

Respectfully submitted this the 25th day of May, 2007.

s/ John McClung
John McClung (MCC 104)
Attorney for the Plaintiff
515 Glover Avenue
Enterprise, AL36330
(334)393-3660

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I have served the above and foregoing motion on the Attorneys of Record for the Parties by electronic means for those registered with the Courts electronic filing system, or by placing a copy of the same in the United States Mail, postage pre-paid and properly addressed, on this the 25th day of May, 2007.

R. Randolph Neeley, Esq.
Asst. U.S. Attorney
Post Office Box 197
Montgomery, AL. 36101-0197

Richard W. Whittaker
300 East Lee Street
Enterprise, AL. 36330

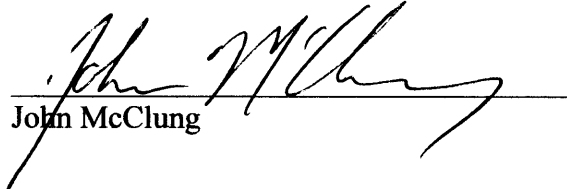
Louis Calligas
Balch & Bingham
Post Office Box 78
Montgomery, AL. 36101-0078

s/ John McClung
OF COUNSEL

STATE OF ALABAMA
COUNTY OF COFFEE

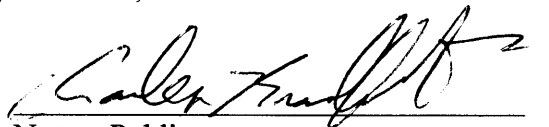
John McClung, being duly sworn, deposes and says:

1. That I am the attorney of record for the plaintiff and have personal knowledge of the facts set forth in this affidavit.
2. That the defendants were duly served with the summons and complaint in this cause on March 14, 2007 by certified mail.
3. That more than 30 days have elapsed since the date on which the said defendants were served with the summons and complaint.
4. That the defendants have failed to answer or otherwise defend as to plaintiff's complaint, or serve a copy of any answer or other defense, which they might have upon the undersigned attorney of record for the plaintiff.
5. That this affidavit is executed by affiant herein in accordance with Rule 55 of the Alabama Rules of Civil Procedure, for the purpose of enabling the plaintiff to obtain an entry of default against the defendant, for its failure to answer or otherwise defend as to the plaintiff's complaint.


John McClung

Sworn to and Subscribed before me this the 25th day of March, 2007.

(SEAL)


Notary Public
My Commission Expires: 7-20-08